

S. B. No. 27, A bill to be entitled "An Act empowering the board of education or board of trustees of certain independent school districts by resolution passed by the majority vote of the members of such board of education or board of trustees, beginning with 1933 delinquent taxes due, to such independent school districts, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 78, A bill to be entitled "An Act to validate the organization and creation of all school districts including common school districts, independent school districts, consolidated common school districts, county line school districts, consolidated county line school districts and rural high school districts, whether created by general or special law, or county boards of trustees and board of such districts, where such districts lie entirely within any county having a population of not less than 8596 and not more than 8610, according to the latest preceding census, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 26, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by cooperation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act with-

in the State of Texas with reference to producers, distributors and processors of milk and milk products; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DeBERRY, Chairman.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,
February 19, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
ONeal.	Woodward.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix)

Committee Reports.

(See Appendix)

Bills and Resolutions.

By Senators Blackert, Oneal, and Murphy:

S. B. No. 44, A bill to be entitled "An Act to amend Article 7065a-13(a) of Revised Civil Statutes of Texas, being Section 13(a) of Chap-

ter 44, page 75, of the General Laws of the Forty-third Legislature, so as to entitle all incorporated municipalities in Texas to a refund of motor fuel taxes paid on motor fuel used in the operation of motor vehicles owned and operated for public purposes only by said incorporated municipalities.

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Blackert:

S. B. No. 45, A bill to be entitled "An Act validating all bonds heretofore issued by the City of Aransas Pass for the purpose of constructing and maintaining seawalls, breakwaters, and shore protections out into Red Fish Bay, and to fill in the space between the shore and such seawalls, breakwaters and shore protections, in order that said city be removed from calamitous overflows; authorizing and providing for the refunding of any or all of such bonds that are still outstanding; donating to the City of Aransas Pass eight-ninths of the State ad valorem taxes to be collected on property and from persons in San Patricio County from September 1, 1940, to September 1, 1946, for the purpose of paying interest and principals of such bonds; providing that the provisions of this Act and donations herein contained are in addition and supplementary to the provisions and donations of Chapter 22, General Laws enacted by the Thirty-sixth Legislature at its Third Called Session in 1920; providing the method of handling and using such moneys; providing a penalty for the misapplication of moneys thus donated; and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Woodul:

S. B. No. 46, A bill to be entitled "An Act amending Title 26 of the Revised Civil Statutes of 1925, providing for the creation of trust funds, for maintenance of cemetery lots, and the appointment of trustees and substitute trustees therefor, and for the construction of said trust; defining terms; providing for the organization of cemetery corporations, whether non-profit corporations organized by cemetery lot owners or private corporations organized for profit; providing that lot owners shall participate as shareholders in non-profit cemetery corporations;

providing the method of organizing non-profit cemetery corporations; regulating cemeteries; providing for the acquisition of property and the dedication thereof and the supremacy of such dedication until removed in the manner provided herein; providing for the sale of property for interment purposes, for property rights therein, and for the inalienability thereof, and for a representative for a plot owned by two or more persons; providing for the establishment of rules and regulations by cemetery associations; providing for the establishment of perpetual care funds, defining perpetual and non-perpetual care of cemeteries, and establishing regulations for perpetual care of cemeteries and for the investment of perpetual care of funds; providing for special care; placing the duty of interring the dead; requiring the keeping of records of interments; providing for the removal of bodies; authorizing cemeteries to contract pecuniary indebtedness; regulating the location of cemeteries; investing sextons and superintendents with certain police powers; repealing certain laws and parts of laws in conflict therewith, and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Woodul:

S. B. No. 47, A bill to be entitled "An Act for the purpose of releasing penalties and interest accrued or that may accrue on all franchise taxes that may be due or to become due under the provisions of Articles 7089 and 7091, Revised Civil Statutes of 1925, for the years 1928 to 1933, inclusive, and to release any penalties or interest accrued or that may accrue for failure to file reports for said years under Article 7089, provided that said franchise taxes are paid and reports filed on or before six (6) months after the effective date of this Act; and providing that no suit for forfeiture of charter for failure to file reports or pay said taxes, penalties and interest, shall be instituted during said six-months period; and providing that no forfeiture shall be entered or consummated without judicial ascertainment as provided in Article 7091 during said six-months period; and providing for revival of the right to do business in the event forfeiture has already been consummated by judicial ascertainment upon compliance with filing of

report and payment of franchise taxes without penalty, revival fees, or interest within said period, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Regan:

S. B. No. 48, A bill to be entitled "An Act providing for the validation of the organization of all defined districts organized as water Improvement Districts, the name of which has been changed to Water Power Control District, and providing for the validation of elections held in Water Power Control Districts for authorization of issuance of bonds and/or incurring debts and/or obligations, and providing for and authorizing any Water Power Control District to make and enter into contracts with the United States of America and/or any agencies acting under laws passed by the Congress of the United States for the purpose of acquiring property and the construction of works and improvements for such Water Power Control Districts, when the authorization for the issuance of bonds shall have been authorized by an election in such district, and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

S. R. No. 16.

Senator Woodul sent up the following resolution:

Whereas, Former Lieut. Gov. Lynch Davidson of Houston is within the Bar of the Senate;

THEREFORE, BE IT RESOLVED, That he be invited to address the Senate and be accorded the privileges of the Senate.

WOODUL.

The resolution was adopted.

The Chair appointed Senator Woodul to escort the visitor to the platform and to introduce him to the Senate. Senator Woodul introduced Gov. Davidson who briefly addressed the Senate.

S. C. R. No. 22.

Senator Moore sent up the following resolution:

Whereas, The State Railroad Commission is holding an important hearing regarding production of oil in Texas; and

Whereas, The Federal Government is represented in this hearing; and

Whereas, The facts and conditions to be presented at said hearing will be of untold worth to the Texas Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, the House of Representatives concurring, that we invite the State Railroad Commission to conduct one day's hearing today, Monday, February 19th, in the Hall of the House of Representatives, that members of the Legislature may attend said hearing.

MOORE.

On motion of Senator Moore, the Senate granted unanimous consent to consider the resolution at this time without reference to a Committee.

On motion of Senator Moore, the resolution was laid on the table subject to call.

S. C. R. No. 23.

Senator Woodward sent up the following resolution:

Whereas, March 4, 1934, is the first anniversary of the administration of the President of the United States, Franklin Delano Roosevelt; and

Whereas, No President since the administration of George Washington has ever enjoyed the confidence, the co-operation and the support of the American people as has this matchless leader and humanitarian President; and

Whereas, The American people have during the past year manifested their loyalty to him and are now enjoying the fruits of his labor as a result of his leadership and his successful administration of the affairs of the people; and

Whereas, The American people can look forward with renewed confidence and point with pride to the fulfillment of platform pledges of the Democratic party and the constructive legislation by Democratic Congress; and

Whereas, Among other fulfillments of his pledge to the American people, the President is to be credited with the restoration of agriculture and the establishment of agricultural credit agencies and the refinancing of crop mortgages, including crop production loans and

the increase of agricultural purchasing power; to the redrafting of the National Banking Acts and the extension of relief to those in financial distress, thus insuring the solvency of National Banks in the future and the guaranty of deposits, thus protecting depositors; legislation to more effectively protect the assets of National Banks and to prevent undue diversion of funds in speculative operations; a reduction of governmental expense and the consolidation of departments estimated to bring about a saving of more than one billion dollars; laws providing for full and fair disclosures of the character of securities sold in interstate and foreign commerce and through the mails and to prevent fraud in the sale thereof; advocating Federal supervision of traffic in investment securities; a shorter working week and shorter working hours for the laboring class; the establishment of the Reconstruction Finance Corporation; the National Recovery Act; the Public Works Act; the Civil Works Act; the establishment of the Home Owners Loan Corporation; railroad reorganization and legislation dealing with the finances of the Government, including the Gold bill to protect the currency of the United States; providing for the establishment of a corporation to aid in re-financing farm loans, and the extension of another year the Reconstruction Finance Corporation, with power to re-loan moneys already collected; and

Whereas, The President has brought about a friendly relationship between the government of the United States and other Nations of the world and has established a program which will undoubtedly lead to perpetual peace among the Nations of the earth through practical measures of disarmament; and

Whereas, The record as made by the President in the fulfillment of platform pledges and his effort to restore business to normal conditions is an incomparable record which has never been equalled in the history of the United States; and

Whereas, In addition to the record of achievements hereinabove set forth and in addition to the fulfillment of platform demands, many other legislative acts dealing with economic problems and the general

welfare of the people have been not only advocated by him but enacted into laws; and,

Whereas, As the President of the United States he has kept the faith; and,

Whereas, By reason of his matchless leadership, his humanitarian attributes and his ever constant aim and desire to restore confidence among the people toward the government of the United States and to find a way to financial recovery, the States of the Union are gradually and surely on the way to financial recovery; and

Whereas, It behooves the people of the State of Texas, the greatest Democratic State in the Union, to celebrate on Sunday, March 4, 1934, the first anniversary of the administration of our beloved President, in every city, town, hamlet, precinct and other subdivisions of the State.

NOW, THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring, in order to properly celebrate the first anniversary of the administration of President Roosevelt, the Governor of Texas is respectfully requested to issue a proclamation designating and setting apart Sunday, March 4, 1934, as a day of thanksgiving, rejoicing and prayer, in recognition of the achievements of the President, done and performed during the first year of his administration; and

Be It Further Resolved, In order to assist the Governor of Texas in giving publicity to and in carrying out the intent and purpose of this resolution, that the Lieutenant Governor be requested to appoint a committee of five, one of which persons so named to act as Chairman of the Senate Committee, and the Speaker of the House of Representatives be requested to appoint a committee of five, one of which persons so named to act as Chairman of the House Committee, and said persons so named, constituting the Senate Committee and the House Committee, together with the assistants of such committee or committees as may be appointed by the Governor, formulate such plans and give such publicity to the state-wide celebration as in their judgment may be necessary to celebrate in a fitting manner the

first anniversary of the President's Administration; and

Be It Further Resolved, That the press of Texas be requested to give publicity to such plans as may be adopted in such maner as to encourage the Governors and/or Legislatures of other states, and the Congress of the United States, to take similar action so that Sunday, March 4, 1934, may be named a National day of thanksgiving, rejoicing and prayer, in honor of the President and in recognition of his achievements during the first year of his administration.

Senator Woodruff moved to consider the resolution at this time without reference to a Committee.

Senator Woodward made a substitute motion to send the resolution to the Committee on Civil Jurisprudence.

The substitute motion prevailed.

Messages From the Governor.

Executive Department,

Austin, Texas, Feb. 17, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Senator Woodruff and Representatives Butler and Townsend I am submitting herewith for your consideration a bill to be entitled

"An Act amending Section 3 of Chapter 215, Page 719, General Laws of Texas, Forty-third Legislature of Texas, 1933, providing a basis for salaries for services in summer schools at certain state supported institutions of higher learning and repealing certain provisions for the collection of certain matriculation and tuition fees from students of summer schools in certain state supported institutions of higher learning; and declaring an emergency."

At the request of Senator Woodul I am submitting herewith a bill to be entitled

"An Act for the purpose of releasing penalties and interest accrued or that may accrue on all franchise taxes that may be due or to become due under the provisions of Articles 7089 and 7091, Revised Civil Statutes of 1925, for the years 1928 to 1933, inclusive . . . and declaring an emergency."

I am attaching hereto for your consideration a bill to be entitled

"An Act repealing all of Section 6-a of House Bill 11, Chapter 214, Acts Regular Session, Forty-third Legislature, page 637; and declaring an emergency," prepared by the Attorney General's Department and submitted at the request of the Secretary of State.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 19, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Representatives Holloway and Latham I am submitting herewith for your consideration a bill to be entitled

"An Act amending Article 3883 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature; and amending Article 3902 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature; providing for the fees of office that may be retained by certain precinct officers in certain counties; providing for salaries that may be paid certain assistants to certain officers in certain counties; and declaring an emergency."

By request I am submitting herewith for your consideration a bill hereto attached to be entitled

"An Act to prohibit the operation of travel bureaus, to prohibit anyone from holding out to the public that such person is engaged in the business of a travel bureau, to prohibit anyone from soliciting other persons to travel by motor vehicle over the public roads of Texas where such person is to pay money for said transportation or any portion of the expense thereof, defining a travel bureau, making violations of the Act a misdemeanor, fixing penalties . . . and declaring an emergency."

At the request of Representative Caven I am submitting herewith for your consideration a bill to be entitled

"An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 48,500 and not more than 49,000 according to the

last Federal Census, and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,
Austin, Texas, Feb. 19, 1934.
To the Forty-third Legislature in
Second Called Session:

At the request of Representative Pope I submit herewith for your consideration a bill to be entitled

"An Act to authorize certain cities in this State to issue bonds, notes, or warrants payable from revenues other than taxation for construction, maintenance and operation of a toll bridge or toll bridges over and across any stream, inlet or arm of the Gulf of Mexico, or entrance channel to a port in any such city; the construction, maintenance and operation of a sewage disposal plant; construction of sanitary and/or storm sewer lines; construction of water mains or lines from sources of water supply; acquisition, reclamation, reconstruction and filling in of any submerged lands along the water front of said city and construction of sidewalks, streets and gas lines within territory so acquired or reclaimed; construction of seawalls, breakwaters and other shore protections; construction, reconstruction, maintenance, operation and dredging out of any channel in connection with such port; providing certain improvements may be constructed within or without limits of any such city . . . and declaring an emergency."

At the request of Senator Regan I am submitting herewith for your consideration a bill to be entitled

"An Act for the validation of the organization of all defined districts organized as water improvement districts, the name of which has been changed to water power control district, and providing for the validation of elections held in water power control districts for authorization if issuance of bonds and/or incurring debts and/or obligations, and providing for and authorizing any water power control district to make and enter into contracts with the United States of America and/or any agencies acting under laws passed by the Congress of the United States for the construction of works and im-

provements for such water power control districts . . . and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 100, A bill to be entitled "An Act providing for the compensation of county commissioners in certain counties having a population of not less than 17,570 and not more than 17,580, and not less than 16,550 and not more than 16,575, according to the Federal Census for the year 1930; and defining from what fund such salaries shall be paid; and declaring an emergency."

H. B. No. 110, A bill to be entitled "An Act empowering the board of education or board of trustees of certain independent school districts, by resolution passed by majority vote of the members of such board of education or board of trustees, beginning with 1933 delinquent taxes due to such independent school districts; etc."

H. B. No. 34, A bill to be entitled "An Act granting permission to Mrs. Ola Anderson and Oran Anderson, surviving wife and son of Henry A. Anderson, deceased, to bring suit against the State of Texas in the District Court of Denton County, Texas, for damages for personal injuries resulting in death received by the said Henry A. Anderson while on duty as a laborer in the employ of the North Texas State Teachers College, at Denton, Texas; etc."

H. B. No. 79, A bill to be entitled "An Act amending Section 3, of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being Senate Bill No. 52, so as to provide the method of prorating funds provided in said chapter; fixing date for filing claims under said appropriation; providing that claims arising thereunder shall not be negotiable or assignable; providing that no commissions or fees

shall be paid for presenting and/or prosecuting said claims, and declaring an emergency."

H. B. No. 124, A bill to be entitled "An Act to amend Chapter 105 of the Special Laws passed by the Thirty-third Legislature, at its Regular Session in 1913, same being a special road law for Jackson County, Texas, by adding thereto Sections 4-a, 4-b, and 4-c, creating Road District No. 7, Jackson County, Texas, defining and specifically setting out its boundaries; etc."

H. C. R. No. 24, Granting permission to A. J. Harbers to sue the State of Texas for damages.

S. C. R. No. 3, Authorizing Max Hirsch to sue the Highway Commission and the State of Texas for damages.

S. C. R. No. 9, Granting permission to N. W. Buchanan to sue the State of Texas for personal injuries.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 43.

Senator Parr moved to take up out of its regular order the following bill:

S. B. No. 43, A bill to be entitled "An Act to authorize certain cities in this state to issue bonds, notes or warrants, payable from revenues other than taxation, for construction, maintenance and operation of a toll bridge or toll bridges over and across any stream, inlet or arm of the Gulf of Mexico, or entrance channel to a port in any such city; the construction, maintenance and operation of a sewage disposal plant; construction of sanitary and/or storm sewer lines; construction of water mains or lines from sources of water supply; acquisition, reclamation, reconstruction and filling in of any submerged lands along the water front of said city and construction of sidewalks, streets and gas lines within territory so acquired or reclaimed; construction of seawalls, breakwaters and other shore protections; construction, reconstruction, maintenance, operation and dredging out of any channel in connection with such port; providing certain improvements may be constructed within or without limits of any such city; providing that no such bonds, notes or warrants shall ever

evidence any debt or obligation of such city, but shall be solely a charge upon revenues and properties pledged to secure their payment; providing for the payment of such bonds, notes or warrants out of income and revenues of either one or all of the improvement projects authorized thereby; requiring that the issuance of all such bonds, notes or warrants shall be authorized by a vote of the qualified property taxpaying voters of any such city, voting at an election to be held for that purpose; prescribing time of maturity and rate of interest on such bonds, notes or warrants; providing that the General Laws relating to city bonds, not in conflict with this Act, shall apply to the issuance, approval, certification, registration and sale of such bonds, notes or warrants; providing that each bond, note or warrant issued under this Act shall stipulate that the holder thereof shall never have the right to demand payment out of any funds raised or to be raised by taxation; requiring that all such bonds, notes or warrants be approved by the Attorney General and registered by the State Comptroller; authorizing any such city to borrow money from the United States Government, Federal Emergency Administration of Public Works, or other agency of said Government; authorizing the governing body of any such city to remove or demolish any existing bridge or other structure owned and operated by said city if deemed necessary in carrying out the works of improvement; conferring on any such city the right of eminent domain; authorizing the collection of tolls from existing bridge or bridges in event no toll bridge or bridges are constructed and providing for the pledge of such tolls to payment of indebtedness evidenced by bonds, notes or warrants authorized by this Act; requiring an election to authorize the assessment and collection of tolls from existing bridges and their application to the payment of such bonds, notes or warrants; providing for the execution of an indenture or mortgage making effective the mortgage lien on all properties that may be pledged or mortgaged to secure payment of such bonds, notes or warrants, and providing for the grant of a franchise to the purchaser under sale or foreclosure under such indenture or

mortgage, with option to repurchase by such city; providing that reasonable costs of administration and operation of improvement projects and maintenance thereof shall be first lien and charge against income and revenues; providing for the setting aside of the gross income and revenues of all such project or projects for operation and maintenance purposes and payment of bonds, notes or warrants, and providing that no part of such income and revenues shall be devoted to any other purpose and prescribing penalty therefor; providing that no such bridge shall be constructed, maintained or operated over any entrance channel to any such port operated by a navigation district without permit from commissioners of such district and authorizing commissioners of such navigation district to prescribe reasonable rules and regulations for operation of such bridge in aid of navigation; providing that this Act shall not repeal any existing laws; providing that if any section or part of this Act is held unconstitutional, such decision shall not affect the validity of remaining portion of Act; enacting other provisions incident to the subject and purpose of this Act; and declaring an emergency."

The motion prevailed and the bill was laid before the Senate.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 43 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.

Regan.	Stone.
Russek.	Woodruff.
Sanderford.	Woodul.
Small.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Oneal.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Nays—4.

Collie.	Murphy.
DeBerry.	Poage.

Absent—Excused.

Fellbaum.

Senate Bill No. 30.

Senator Woodruff called from the table S. B. No. 30, with pending amendment:

S. B. No. 30, A bill to be entitled "An Act amending House Bill No. 322, known as Chapter 196 of the General Laws of the Forty-third Legislature at its Regular Session, 1933, fixing the tuition to be collected from students registered in schools of collegiate rank supported in whole or in part by appropriation of public funds from the State Treasury; providing for tuition, local funds and fees to be retained and expended by such institutions and accounted for annually as provided in the General Appropriation bill; providing a different schedule of fees from students of the Negro race registered in schools of collegiate rank which are supported in whole or in part by appropriation of public funds from the State Treasury; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Woodruff moved the adoption of the pending Woodruff amend-

ment as amended by the Duggan amendment.

Senator Stone moved to lay on the table the bill and pending amendment.

The motion to lay on the table prevailed by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.

Nays—4.

Hornsby.	Rawlings.
Patton.	Woodruff.

Absent—Excused.

Fellbaum.

Recess.

On motion of Senator Woodul the Senate at 12:05 o'clock recessed until 3 o'clock p. m. today.

Afternoon Session.

The Senate was called to order, pursuant to recess, at 3 o'clock p. m. by Lieutenant Governor Edgar E. Witt.

S. C. R. No. 17.

The Chair laid before the Senate S. C. R. No. 17, Relating to an appropriation to Iola Independent School District, on second reading.

Senator Patton asked unanimous consent to lay the resolution on the table subject to call.

There being no objection, it was so ordered.

House Bill No. 39.

Senator Patton asked unanimous consent to take up, out of regular order, H. B. No. 39.

There being no objection, it was so ordered, and the Chair laid before the Senate the following bill:

H. B. No. 39, A bill to be entitled "An Act making an emergency ap-

propriation of money for the Sam Houston State Teachers College at Huntsville, Texas, and the Penitentiary System, located at Huntsville, Texas; providing the purposes thereof, the means and manner of expenditure, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed third reading.

On motion of Senator Patton the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 39 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—1.

Collie.

Absent—Excused.

Fellbaum.

Senate Bill No. 2.

Senator Hornsby called from the table the following bill:

S. B. No. 2, A bill to be entitled "An Act to amend Article 7336, as amended by Chapter 117, Acts Forty-second Legislature, providing the time when taxes shall become due and when they shall become delinquent; providing penalty for non-payment of said taxes and for interest thereon; providing that current ad valorem taxes hereafter paid in October and November next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts shall be discounted two per cent, and that current ad valorem taxes paid hereafter in December of each year next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts shall be discounted one per cent; providing for the payment of current ad valorem taxes hereafter in monthly installments at option of taxpayer, not to exceed ten installments, the first installment of current ad valorem taxes hereafter to be paid by November 30th of each year, and providing that taxpayer paying in installments shall be given no discount and charged no penalty or interest if installments are paid continuously, and providing that break in continuous payment of installments shall operate to impose penalty for the monthly payments are resumed, together with interest; providing for graduated penalty on all current taxes not paid on February 1; providing methods of assessing penalty and interest; providing for the payment of delinquent taxes in installments; providing that the Comptroller of Public Accounts shall prescribe forms for tax rolls and receipts to be used by the county tax assessors and collectors of taxes; providing that all laws in conflict with this Act are repealed; and declaring an emergency."

Senator Patton moved that the committee substitute be adopted in lieu of the original bill.

The motion prevailed and the substitute was adopted.

Senator Woodul offered the following amendment:

Amend committee substitute to S. B. No. 2 by striking out lines 47 to 54, inclusive, page 4 of printed bill, and inserting in lieu thereof the following:

"2% penalty if paid in February;
4% penalty if paid in March;
6% penalty if paid in April;
8% penalty if paid in May;
10% penalty if paid in June or thereafter."

WOODUL.

Senator Woodul sent up the following Amendment No. 2, to be considered along with his first amendment:

Amend Committee Substitute Senate Bill No. 2, page 4 of printed bill, by striking out the words "October 1," in line 61, and inserting in lieu thereof "July 1."

WOODUL.

Senator Hornsby moved to table Amendment No. 1 of Senator Woodul.

The motion was lost by the following vote:

Yeas—10.

Beck.	Moore.
Cousins.	Murphy.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Stone.

Nays—10.

Greer.	Purl.
Oneal.	Russek.
Pace.	Woodruff.
Parr.	Woodul.
Poage.	Woodward.

Present—Not Voting.

Collie.	Neal.
DeBerry.	Regan.
Martin.	Small.

Absent.

Blackert.	Patton.
Hopkins.	Sanderford.

Absent—Excused.

Fellbaum.

The question then recurred on the Amendment No. 1 of Senator Woodul.

The question recurred on the first amendment of Senator Woodul.

The amendment was adopted.

The question recurred on the second amendment of Senator Woodul.

The amendment was adopted.

Senator Oneal sent up the following amendment:

Amend S. B. No. 2 by striking out the first sentence in Article 7336.

ONEAL.

The amendment was adopted.

Senator Collie was recorded as voting "no" on the amendment.

Senator Collie moved to reconsider the vote by which the first amendment by Senator Woodul was adopted.

The motion was lost by the following vote:

Yeas—11.

Collie.	Rawlings.
Cousins.	Redditt.
Duggan.	Regan.
Holbrook.	Stone.
Hornsby.	Woodruff.
Moore.	

Nays—12.

Beck.	Oneal.
Blackert.	Pace.
DeBerry.	Parr.
Greer.	Poage.
Murphy.	Woodul.
Neal.	Woodward.

Present—Not Voting.

Hopkins.	Sanderford.
Purl.	Small.
Russek.	

Absent.

Martin.	Patton.
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Absent—Excused.

Fellbaum.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 2 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Duggan.
Blackert.	Greer.
Collie.	Holbrook.
Cousins.	Hopkins.
DeBerry.	Hornsby.

Martin.	Rawlings.
Moore.	Redditt.
Murphy.	Regan.
Neal.	Russek.
Oneal.	Sanderford.
Pace.	Small.
Parr.	Stone.
Patton.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Poage.
Blackert.	Purl.
Collie.	Rawlings.
Cousins.	Redditt.
DeBerry.	Regan.
Duggan.	Russek.
Greer.	Small.
Hornsby.	Stone.
Moore.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.

Nays—3.

Holbrook.	Pace.
Murphy.	

Present—Not Voting.

Hopkins.	Patton.
Martin.	Sanderford.
Neal.	

Absent—Excused.

Fellbaum.

Senator DeBerry asked unanimous consent to reconsider the vote by which the bill was finally passed.

There being no objection, it was so ordered.

Senator Rawlings asked unanimous consent to make the following correction: Strike out the last two lines in Section 1, Art. 7336, first paragraph, as follows: "Persons paying ad valorem taxes in one-half payments as above set out, will not be entitled to discount."

There being no objection, it was so ordered.

The question recurred on the final passage of the bill.

The bill was finally passed by the following vote:

Yeas—24.

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Greer.	Russek.
Hornsby.	Small.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.

Nays—3.

Holbrook.	Pace.
Murphy.	

Present—Not Voting.

Hopkins.	Sanderford.
Martin.	

Absent—Excused.

Fellbaum.

S. C. R. No. 23.

Senator Woodward asked unanimous consent to consider at this time S. C. R. No. 23, relating to the First Anniversary of the Roosevelt Administration.

There being no objection, the resolution was placed before the Senate.

Senator Woodward moved that the committee substitute be adopted and considered in lieu of the original resolution.

The motion prevailed.

The resolution was unanimously adopted.

Bills on First Reading.

By Senators Martin and Neal:

S. B. No. 49, A bill to be entitled "An Act amending Chapter 53, Acts of the Forty-third Legislature, First Called Session, declaring the economic conditions and policy of this State concerning co-operation with the National Government in authorizing and providing for action by trade groups, labor and management of industry, eliminating unfair competition, promoting the proper productive capacity of industry, increasing the consumption of industrial and agricultural products by increasing purchasing power, reducing unemployment, improving standards of labor and otherwise rehabilitating industry and conserving natural re-

sources, as announced in the National Industrial Recovery Act; authorizing the Governor to consent that the President of the United States utilize public officers and employees in this State to effectuate the policies of the National Industrial Recovery Act; providing that the terms of the National Industrial Recovery Act concerning interstate or foreign commerce shall apply within this State to transactions not in or affecting interstate or foreign commerce; declaring a compliance with codes, agreements and licenses, under the National Recovery Act to be standards of fair competition and violations thereof to be unfair methods of competition; providing for the enforcement thereof through action by the Attorney General in injunction proceedings and civil suit for damages, actual and/or punitive, and establishing jurisdiction of such cases in the district courts of this State; providing that in all suits, actions or prosecutions under Title 126, Revised Civil Statutes of 1925, or Title 19, Penal Code of Texas, 1925, it shall be a defense for the persons, firms, corporations or associations of persons, or either one or more of them, whether they occupy the position of plaintiff or defendant, so sued or prosecuted, to show that they are operating within the provisions, terms and conditions of a code approved by the President of the United States under the terms of the National Industrial Recovery Act; providing that nothing in this Act shall be construed or held to affect pending litigation or destroy rights of the State to recover penalties or fines from any person, firm, association of persons or corporations, nor to prohibit the State from forfeiting the charter of any domestic corporation or the license or permit of any foreign corporation to do business in this State for any acts done or committed or for any practice performed or any agreements entered into which are not subject to the defense herein created and authorized; providing that in contracts of public works, or for the purchase of materials or supplies for public use, such contracts shall be made only with persons who agree to use or supply said materials or supplies produced, manufactured or supplied by a person who is a party, or subject to a code of fair

competition, agreement or license approved, prescribed or issued under the terms of the National Industrial Recovery Act in case such code, agreement or license has been established as provided in said last mentioned Act; providing for the duration and termination of this Act; providing that any contract or agreement which would be contrary to either Title 126, Revised Civil Statutes, 1925, or Title 19, Revised Penal Code, 1925, or any part of either title as such exists at the time of the passage of this Act shall be absolutely void and not enforceable if such contract or agreement extends beyond the expiration date of this Act; requiring the filing with the Attorney General copies of codes, code agreements, and presidential proclamations relating thereto; providing that nothing herein shall be construed in any way to repeal or suspend Title 126, Revised Civil Statutes, 1925, or Title 19, Penal Code of Texas, 1925, or any part of either such titles; providing a saving clause; and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Collie:

S. B. No. 50, A bill to be entitled "An Act amending Article 650 of the Code of Criminal Procedure of the State of Texas, and repealing Article 651 and Article 711 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Collie:

S. B. No. 51, A bill to be entitled "An Act amending Article 710 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senators Collie, Rawlings, Oneal, Hornsby, and Woodward:

S. B. No. 52, A bill to be entitled "An Act amending Article 666 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Collie:

S. B. No. 53, A bill to be entitled "An Act amending Article 677 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Collie:

S. B. No. 54, A bill to be entitled "An Act amending Article 23 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Collie:

S. B. No. 55, A bill to be entitled "An Act amending Article 658 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 56, A bill to be entitled "An Act to amend Article 710 of the Code of Criminal Procedure of 1925, relating to severance in criminal cases, by omitting therefrom the following: 'Provided that where there are two or more persons jointly charged or indicted and a severance is had, the privilege of testifying shall be extended only to the party on trial,' repealing Article 711 of the Code of Criminal Procedure of 1925, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 57, A bill to be entitled "An Act to amend Articles 650 and 651 of the Code of Criminal Procedure which permits defendants jointly indicted or defendants indicted for offenses growing out of the same transaction the right to apply for severance and ask for a separate trial, by leaving the action thereon

to the sound discretion of the trial court, and regulating the procedure in reference thereto, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 58, A bill to be entitled "An Act authorizing the judge of the court upon the trial of a person charged with a criminal offense to conduct the examination of jurors himself and to test the qualification of jurors; providing, however, that such judge may in his discretion permit counsel to suggest such questions to be propounded to jurors as in the opinion of the judge would be proper; providing further that a juror held to be qualified by the court and who is empaneled and sworn as a juror in the case, shall be presumed to be a qualified juror, unless in the opinion of the appellate court on appeal it is made to appear that such juror was disqualified under the Code of Criminal Procedure of the State of Texas and that such disqualification tended to bring about the conviction of the defendant or materially affected the rights of the defendant; and providing further that nothing herein contained shall be construed to repeal Article 616 of the Code of Criminal Procedure of the State of Texas; and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 59, A bill to be entitled "An Act further regulating continuances in criminal cases in respect both to the application filed in behalf of the State or in behalf of the defendant and to be known as Articles 542-a and 543-a, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Woodul:

S. B. No. 60, A bill to be entitled "An Act repealing all of Section 6-a of House Bill No. 11, Chapter 214, Acts Regular Session, Forty-third Legislature, page 637, and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

Senate Bill No. 10.

The Chair laid before the Senate the following bill on second reading:

S. B. No. 10, A bill to be entitled "An Act making an emergency appropriation out of the general revenue of the State for the purpose of enforcing the provisions of H. B. No. 76, Chapter 52, First Called Session Forty-first Legislature, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senator DeBerry was recorded as voting "no."

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 10 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—2.

DeBerry. Purl.

Present—Not Voting.

Poage.

Absent—Excused.

Fellbaum.

S. C. R. No. 24.

Senator Neal sent up the following resolution:

Whereas, One of the most important problems facing the Legislature of the State of Texas, the people of our State, and the nation at large, is the reemployment of not only those who are now unemployed, but also the many citizens who are reentering the ranks of the unemployed because of the Two Hundred Thousand (200,000) individuals that are being discharged weekly by the Public Works Administration, the Civilian Conservation Corps, and the Civil Works Administration; and

Whereas, The principal burden of finding employment for the vast numbers of our fellow citizens who are now out of work, is being undertaken by the National Recovery Administration, and

Whereas, It is of importance that the Legislature of the State of Texas do all in its power to help meet this grave problem and in so doing is desirous of securing authoritative information in regard to the program and problems of the National Recovery Administration; and

Whereas, The Honorable Henry P. Drought is the recently appointed Director of Compliance for the National Recovery Administration in the State of Texas and is at this time in the city of Austin.

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Texas, the House of Representatives concurring, That the said Honorable Henry P. Drought be and hereby is invited to address the Senate and the House of Representatives of the State of Texas in joint session to be held beginning at 11:00 a. m., February 20, A. D. 1934.

NEAL,
MARTIN.

On motion of Senator Neal, the Senate granted unanimous consent

to consider the resolution at this time without reference to a committee.
The resolution was adopted.

Senate Bill No. 16.

Senator Pace called from the table the following bill:

S. B. No. 16, A bill to be entitled "An Act to ratify, confirm and validate deliveries of road bonds heretofore made by counties wherein the counties have lawfully delivered bonds to purchasers thereof and have thereafter permitted the exchange of said bonds for other bonds of the same issues then remaining unsold and held by said counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Pace asked unanimous consent to use the printed copy of the bill for consideration in lieu of the original.

There being no objection, it was so ordered.

Senator Sanderford sent up the following amendment:

Amend Senate Bill No. 16 by adding the following at the end of Section 1, line 38:

"Provided, however, that no provisions of this act shall apply wherein a county depository or treasury was designated to act as such, and was, at the time of the transfer or exchange of such bonds, located in some county other than the county in which the bonds were originally voted."

The amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Pace the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 16 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Murphy.
Blackert.	Neal.
Collie.	Oneal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.

Sanderford.	Woodul.
Small.	Woodruff.
Stone.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote.

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Simple Resolution No. 17.

Senator Moore sent up the following resolution:

Whereas, Hon. Ernest Fellbaum, esteemed member of the Senate from the Bexar County district, has been unable to be present during the Second Called Session of the Forty-third Legislature because of serious illness; and

Whereas, Senator Fellbaum is improving and is expected to be out of the hospital within a few days.

THEREFORE BE IT RESOLVED, By the Senate, That we rejoice in the improved condition of our honorable colleague and pray for his speedy recovery to his usual good health;

Resolved, That we have missed his wise counsel and advice during this session;

Be it further Resolved, That the Secretary of the Senate be instructed to send Senator Fellbaum a copy of this resolution.

MOORE,	DUGGAN,
BECK,	GREER,
BLACKERT,	HOLBROOK,
COLLIE,	HOPKINS,
COUSINS,	HORNSBY,
DeBERRY,	MARTIN,

MURPHY,	REDDITT,
NEAL,	REGAN,
ONEAL,	RUSSEK,
PACE,	SANDERFORD,
PARR,	SMALL,
PATTON,	STONE,
POAGE,	WOODRUFF,
PURL,	WOODUL,
RAWLINGS,	WOODWARD.

The resolution was adopted.

Resolutions Signed.

The Chair gave notice of signing, and did sign, in the presence of the Senate, the following resolutions:

S. C. R. No. 3.

S. C. R. No. 9.

Bills Re-referred.

S. B. No. 49 from Committee on Civil Jurisprudence to Committee on State Affairs.

Bills and Resolutions Referred.

The Chair referred the following bills:

H. B. No. 34, referred to the Committee on State Affairs.

H. B. No. 106, referred to the Committee on Game, Fish and Oysters.

H. B. No. 115, referred to the Committee on Game, Fish and Oysters.

H. B. No. 52, referred to the Committee on Finance.

H. C. R. No. 24, referred to the Committee on Highways and Motor Traffic.

H. B. No. 79, referred to the Committee on Finance.

H. B. No. 124, referred to the Committee on Highways and Motor Traffic.

H. B. No. 110, referred to the Committee on State Affairs.

H. B. No. 100, referred to the Committee on Finance.

Bills Signed.

The Chair, President Pro Tem. Frank H. Rawlings, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 59.

H. B. No. 60.

H. B. No. 31.

S. C. R. No. 25.

Senator Greer sent up the following resolution:

A resolution declaring the legislative intent with reference to applications to lease unsurveyed school lands made under Section 8, Chapter 271, General Laws Regular Session Forty-second Legislature.

Whereas, It is provided in Section 2 of House Bill No. 358, Chapter 271, Regular Session of the Forty-second Legislature that public free school land may not be sold where located within five miles of a well producing oil or gas in commercial quantities but shall be subject to lease only; and

Whereas, It is provided in Senate Concurrent Resolution No. 4 of the First Called Session of the Forty-second Legislature, 1931, page 101, General and Special Laws First Called Session, Forty-second Legislature, that the restrictions contained in Section 2 of said Act shall not apply to lands sold under the preference rights granted in Section 5 of Chapter 271, General Laws Regular Session Forty-second Legislature, but that lands may be sold under the preference rights granted by Section 5 of said Act when situated within five miles of a producing oil well; and

Whereas, Section 8 Chapter 271, General Laws, Regular Session, Forty-second Legislature grants a preference right to lease unsurveyed school lands to persons who discover the same at a reasonable price fixed by the Commissioner of the General Land Office and with a royalty as provided in Section 10 of said Act.

Whereas, There are conflicts between Section 5 and Section 8 of of said Chapter 271 and confusion has arisen as to priorities thereunder;

NOW, THEREFORE, BE IT RESOLVED, By the Legislature of the State of Texas, That it was the intention of the Forty-second Legislature and is now the intention of the Legislature of Texas that the preference right to lease granted under Section 8 of Chapter 271, General Laws, Regular Session, Forty-second Legislature, to persons who discover unsurveyed areas of school land shall be and the same is hereby declared to be superior to the preference right to purchase granted by Section 5 of said Act where said discoverer files his application to lease before and prior to any application to purchase under the preference rights granted by Section 5 of said Act; Be it further Resolved, by the leg-

islature of Texas, That all applications for preference leases made under Section 8, Chapter 271, General Laws, Regular Session, Forty-second Legislature, and filed prior to any application to purchase under the preference rights granted by Section 5, Chapter 271, General Laws Regular Session Forty-second Legislature, shall be recognized by the Commissioner of the General Land Office as conferring a priority of right and said leases shall be issued by the Commissioner of the General Land Office when he is satisfied that the lands applied for are unsurveyed areas of school land and that the application to lease conforms to the requirements of Section 8 of Chapter 271, General Laws Regular Session Forty-second Legislature.

GREER,
SMALL,

Referred to the Committee on Public Lands and Land Office.

Messages From the Governor.

Executive Department,
Austin, Texas, Feb. 19, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Senator Collie I am submitting for your consideration the attached six bills, amending the Code of Criminal procedure.

Respectfully,
MIRIAM A. FERGUSON,
Governor.

Executive Department,
Austin, Texas, Feb. 19, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Senator Woodward, I am submitting for your consideration the attached four bills, amending the Code of Criminal procedure.

Respectfully,
MIRIAM A. FERGUSON,
Governor.

Executive Department,
Austin, Texas, Feb. 19, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Representatives Rogers and Stanfield I herewith submit for your consideration a bill to be entitled

"An Act to aid the counties of Dallam, Sherman, Hansford, Hartley, Moore, Hutchinson, Ochiltree,

Roberts, Lipscomb, Hemphill, Potter, Oldham, Carson, Armstrong, Randall, and Deaf Smith, by releasing said counties from the payment of all ad valorem taxes levied for State purposes, and all interest and penalties which have accrued on such taxes which may have become delinquent, and all such ad valorem taxes as have heretofore been paid for the years from 1933 to and including the year 1938, etc., and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,
Austin, Texas, Feb. 19, 1934.
To the Forty-third Legislature in
Second Called Session:

At the request of Representative Engelhard and others, I am submitting herewith for your consideration a bill to be entitled

"An Act amending Senate Bill No. 4 of Acts 1933, Forty-third Legislature of the State of Texas, First Called Session, by amending Sections 6, 7 and 8 thereof."

Respectfully,
MIRIAM A. FERGUSON,
Governor.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 106, A bill to be entitled "An Act prohibiting fishing in Lake Brownwood, in Brown County, until May 15, 1935; prohibiting fishing at any time except during the open season provided in this Act; fixing the open season after May 15, 1935, from May 15 to February 1; prohibiting the possession of any fishing tackle or fishing device on the waters of Lake Brownwood at any time except during the open season; fixing a penalty for violation of this Act; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 115, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any wild quail of any species, for a period of five (5) years, in Midland County,

Texas; fixing penalty, and declaring an emergency."

H. B. No. 52, A bill to be entitled "An Act making a supplemental appropriation for the Ranger Service, the State Board of Control, the Examining Division of the Insurance Department, the Executive Department, the Texas State Department of Agriculture, the Live Stock Sanitary Commission, the Bureau of Labor Statistics, the State Auditor and Efficiency Expert, and the Attorney General's Department for the two-year period beginning September 1, 1933, and ending August 31, 1935; and for other purposes; and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Voucher Signed.

Senator Pace asked unanimous consent that Senator Purl be instructed to sign, as Chairman of the Whole Senate, the expense voucher for W. M. Hoffman in the amount of \$14.98, which expense was incurred in answering the summons of the Senate Committee during the First Called Session of the Forty-third Legislature, as shown by the following affidavit:

Austin, Texas, Feb. 19, 1934.
Hon. George Purl, Chairman Senate
Investigation Committee, Austin,
Texas.

Dear Sir: On the 28th of September, 1933, I was summoned to appear before the Senate Investigation Committee, and did so on that day. I was released on the night of the 29th, and left for home that night. I could not get in touch with anyone in connection with the Sergeant-at-Arms office after being released that night. This is the first time I have had an opportunity to sign and acknowledge papers necessary to receive mileage and per diem.

Yours very truly,
W. M. HOFFMAN.

Cleburne, Texas.

There being no objection, it was so ordered, and the voucher was signed.

Senate Bill No. 21.

The Chair laid before the Senate the following bill on second reading:
S. B. No. 21, A bill to be entitled

"An Act re-appropriating any unexpended balances of the funds appropriated in aid of rural schools of the State of Texas in the emergency appropriation to pay outstanding indebtedness incurred through the operation of the rural aid law as made by Chapter 173, Acts Regular Session, Forty-third Legislature; such unexpended balances to be used for the purpose of supplementing the rural aid appropriation as made by Chapter 211, Acts Regular Session Forty-third Legislature, such unexpended balances or so much thereof as may be necessary to be used and expended in aid of rural schools under the provisions of Chapter 211, Acts Regular Session Forty-third Legislature, and declaring an emergency."

Senator Poage sent up the following amendment:

Amend S. B. No. 21 by adding at the end of Section 1 the following: "All sums hereby appropriated shall be applied on the interest due to the Permanent School Fund on those certain manuscript, coupons and Penitentiary Railroad Bonds, the obligation of the State of Texas which are now held by said Permanent School Fund."

"Amend the caption to conform."
POAGE,
MURPHY.

The amendment was adopted.

The following Senators were recorded as voting "no" on the amendment:

Greer, Neal and Holbrook.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Duggan the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 21 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Hornsby.
Blackert.	Martin.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Neal.
Duggan.	Oneal.
Greer.	Pace.
Holbrook.	Parr.
Hopkins.	Patton.

Poage.	Sanderford.
Purl.	Small.
Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Russek.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Special Order.

On motion of Senator Neal, the Senate granted unanimous consent to set S. B. No. 22 for special order tomorrow after the morning call.

Senate Bill No. 8.

The Chair laid before the Senate on second reading the following bill:

By Senator Purl:

S. B. No. 8, A bill to be entitled "An Act to amend Article 2529 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-third Legislature, 1933, page 840, Chapter 240; as amended by Acts of the Forty-third Legislature, 1933, page 854, Chapter 244; and as amended by Acts of the Forty-third Legislature, 1933, First Called Session, page 215, Chapter 80, Section 1; providing qualifications for State depositories; and declaring an emergency."

The committee substitute was adopted by unanimous consent.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 8 by adding a new paragraph at the end of Section 2 to read as follows:

"Wherever any private bank now organized as provided for by the private banking laws of Texas should seek to become a depository for State funds or any other governmental agency, it shall agree in writing to submit itself to examination as to its solvency."

HOLBROOK.

The amendment was adopted.

Senator Poage offered the following amendment:

"And any losses sustained where a depository has secured its deposits in part by bonds and in part by a surety bond the loss shall be prorated between the security and the surety bond."

POAGE.

The amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 8 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oleal.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Greer.
Blackert.	Holbrook.
Collie.	Hopkins.
Cousins.	Hornsby.
DeBerry.	Martin.
Duggan.	Moore.

Murphy.
Neal.
Oneal.
Pace.
Parr.
Patton.
Poage.
Purl.
Rawlings.

Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Fellbaum.

Senate Bill No. 15.

The Chair laid before the Senate on second reading the following bill:

By Senator Duggan:

S. B. No. 15, A bill to be entitled "An Act making an emergency appropriation out of that portion of the Special Racing Fund that has been or will be allocated to the Department of Agriculture, for the purpose of purchasing and erecting necessary machinery and conducting essential work necessary for preventing the further spread of the pink bollworm and in meeting the present emergency in connection with the recent findings of the pink bollworm in the counties of Bailey, Lamb, Cochran, Hockley, Yoakum, Terry, Gaines, and Dawson, and by so doing to insure the continuance of interstate trade relations now enjoyed by Texas; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Duggan the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 15 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed
by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—3.

DeBerry.	Woodruff.
Murphy.	

Absent—Excused.

Fellbaum.

Adjournment.

On motion of Senator DeBerry,
the Senate, at 5:30 o'clock p. m., ad-
journed until 10 o'clock a. m., to-
morrow.

APPENDIX.

Petitions and Memorials.

For a Texas Centennial.

A resolution adopted unanimously
by the Young Democratic Clubs of
North Texas:

Whereas, The year 1936 will com-
memorate the Centennial of Texas
independence, and the obligation will
then devolve upon our people to ob-
serve in fitting manner the heroism
and sacrifices of an era incomparable
in American history; and

Whereas, A properly published
Centennial celebration not only will
constitute a proper patriotic ob-
servance, but will attract visitors
from many parts of the nation and
the world in sufficient numbers to
assure financial returns to the State
far in excess of adequate expend-
itures made to observe it; and

Whereas, The people of Texas have
by referendum clearly authorized

their State Government to participate
actively in the undertaking.

THEREFORE, BE IT RESOLVED,
That Young Democratic Clubs of
North Texas, in first annual con-
vention assembled in Fort Worth,
do hereby strongly urge and demand
that the Legislature fulfill the man-
date of the people by making suf-
ficient appropriations for a magnifi-
cent celebration of the Centennial of
Texas independence and by other-
wise encouraging wide participation
in this great patriotic project of our
age; and

Be it further Resolved, That the
Secretary of this organization be in-
structed to mail copies of this reso-
lution to the Governor, the Lieuten-
ant-Governor, and the Speaker of the
House.

Dallas, Texas, Feb. 18, 1934.

Hon. George Purl, Senate Chamber,
Austin, Texas:

Dallas Grade Teachers' Council
urges you to vote and use your in-
fluence for Senate Bill for lowering
tuition in all State educational in-
stitutions.

QUATA WOODS, President.

Junior Senate Resolution No. 12

By Smith:

Whereas, We, the Senate Pages, of
the Second Called Session of the
Forty-third Legislature, wish to ex-
press our deep and sincere apprecia-
tion to Lieutenant Governor Edgar
E. Witt, and the Members of the
Senate for the interest they have
shown in selecting us to be pages for
this session of the Legislature; and

Whereas, We wish to thank each
Member of the Senate for the trust
he has placed in us and for his un-
failing patience with us; and

Whereas, We assure Members of
the Senate that it has been a pleasure
to serve them in every capacity in
which we have had an opportunity
to serve.

NOW, THEREFORE, BE IT RE-
SOLVED, That we, the Pages of
the Second Called Session of the
Forty-third Legislature, express our
sincere thanks to the Lieutenant
Governor, Edgar E. Witt, and Mem-
bers of the Senate for their many
kindnesses toward us:

Pages Arnett, Bourland, Brown,
Carlisle, Conley, Davis, Gustafson,
Griffin, Harkins, Meyers, Penick,
Pruitt, Robertson, Scofield, Smith,

Taylor, Walker, West, Whitley,
and Williams.

GENE HOWELL,

President of the Senate.

I hereby certify that the above
resolution was adopted.

CHARLES SMITH,

Secretary of the Senate.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. C. R. No. 9
carefully examined and compared
and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. C. R. No. 3
carefully examined and compared
and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 31
carefully examined and compared
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 37
carefully examined and compared
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 14
carefully examined and compared
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 12
carefully examined and compared
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 13
carefully examined and compared
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 43
carefully examined and compared
and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Min-
ing, Irrigation and Drainage, to
whom was referred

S. B. No. 43, A bill to be entitled
"An Act to authorize certain cities
in this State to issue bonds, notes
or warrants, payable from revenues
other than taxation, for construction,
maintenance and operation of a toll
bridge or toll bridges over and across
any stream, inlet or arm of the Gulf
of Mexico, or entrance channel to a
port in any such city, etc.; and de-
claring an emergency."

Have had the same under consid-
eration and I am instructed to report
it back to the Senate with the rec-
ommendation that it do pass and be
not printed.

COUSINS, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1934.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on
Game, Fish and Oysters, to whom
was referred

H. B. No. 75, a bill to be entitled
"An Act prohibiting the taking of
minnows for the purpose of sale
from certain waters of Bell County;
prohibiting the transportation by any

one person at one time of more than one hundred and twenty-five (125) minnows beyond the borders of Bell County; providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 56, A bill to be entitled "An Act repealing H. B. No. 854 as passed by the Forty-third Legislature in Regular Session, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 65, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Houston County during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 91, A bill to be entitled "An Act declaring a five (5) year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 80, A bill to be entitled "An Act to prohibit the taking, killing, or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel traps for taking fur-bearing animals in Coryell County; providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 44, a bill to be entitled "An Act to amend Article 7065a-13 (a) of Revised Civil Statutes of Texas, being Section 13 (a) of Chapter 44, page 75, of the General Laws of the Forty-third Legislature, so as to entitle all incorporated municipalities in Texas to a refund of motor fuel taxes paid on motor fuel used in the operation of motor vehicles owned and operated for public purposes only by said incorporated municipalities."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Blackert, Oneal S. B. No. 44.
and Murphy.

A BILL

To be entitled

An Act to amend Article 7065a-13 (a) of Revised Civil Statutes of Texas, being Section 13 (a) of Chapter 44, page 75, of the General Laws of the Forty-third Legislature, so as to entitle all incorporated municipalities in Texas to a refund of motor fuel taxes paid on motor fuel used in the operation of motor vehicles owned and operated for public purposes only by said incorporated municipalities

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7065a-13 (a) of the Revised Civil Statutes of Texas, being Section 13 (a) of Chapter 44, page 75 of the General Laws of the Forty-third Legislature, be, and the same is, hereby amended so that the same shall read as follows:

Section 13. (a) Any person who purchases motor fuel in the State of Texas and any distributor who appropriates motor fuel for use, when such motor fuel purchased by such person or used by such distributor for operating or propelling any stationary gas engine or tractor used for agricultural purposes, motor boats, air craft or for any other purpose other than use in a motor vehicle operated or intended to be operated in whole or in part upon any of the public highways, roads and streets of the State of Texas, or any motor vehicle owned and operated for public purposes only by any incorporated municipality, on which motor fuel tax has been paid either directly or indirectly, shall be refunded the amount of such taxes so paid by the distributor, exclusive of the deduction for evaporation and loss in the manner and subject to the limitations and conditions described herein. Provided, however, that no greater amount shall be refunded than has been paid into the State Treasury on any motor fuel. The tax actually paid by any distributor or person shall be refunded as provided herein on motor fuel not subject to the tax.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Edgar E. Witt, President of the Senate, Austin, Texas.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 19, a bill to be entitled "An Act to validate the adoption papers that were signed by the adopting parent or parents prior to January 1st, 1923, and making the Acts of adoption prior thereto valid, whether the adoption papers were authenticated or acknowledged as deeds are required to be, or whether same were filed for record prior to the death of the adopting parent or parents, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the journal only.

WOODWARD, Chairman.

By Poage.

S. B. No. 19.

A BILL

To be entitled

An Act to validate the adoption papers that were signed by the adopting parent or parents prior to January 1st, 1923, and making the Acts of adoption prior thereto valid, whether the adoption papers were authenticated or acknowledged as deeds are required to be, or whether same were filed for record prior to the death of the adopting parent or parents, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all adoption papers which were signed by an adopting parent or parents prior to January 1st, 1923, and under the terms of which any child was attempted to be adopted, be, and the same are, hereby validated and made of binding force and effect, although said adoption papers were not authenticated or acknowledged as required for deeds, and were not prior to the death of the adopting parent, filed for record with the county clerk of the adopting parent's residence.

Sec. 2. The importance of this legislation and the crowded condition of the calendar creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall be in force and effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sirs: We, your Committee on
Civil Jurisprudence, to whom was
referred

S. B. No. 45, A bill to be entitled
"An Act validating all bonds hereto-
fore issued by the City of Aransas
Pass for the purpose of constructing
and maintaining seawalls, break-
waters and shore protections, out
into Red Fish Bay, and to fill in the
space between the shore and such
seawalls, breakwaters and shore pro-
tections, in order that said City be
removed from calamitous overflows;
authorizing and providing for the re-
funding of any or all of such bonds
that are still outstanding; donating
to the City of Aransas Pass eight-
ninths of the State ad valorem taxes
to be collected on property from
persons in San Patricio County from
September 1, 1940, to September 1,
1946, for the purpose of paying in-
terest and principal of such bonds,
etc., and declaring an emergency,

Have had the same under con-
sideration and I am instructed to re-
port the same back to the Senate
with the recommendation that it do
pass and be printed in the Journal
only.

WOODWARD, Chairman.

By Blackert. S. B. No. 45.

A BILL
To Be Entitled

An Act validating all bonds hereto-
fore issued by the City of Aransas
Pass for the purpose of construct-
ing and maintaining seawalls,
breakwaters and shore protections
out into Red Fish Bay, and to fill
in the space between the shore and
such seawalls, breakwaters and
shore protections, in order that
said City be removed from calami-
tous overflows; authorizing and
providing for the refunding of any
or all of such bonds that are still
outstanding; donating to the City
of Aransas Pass eight-ninths of
the State ad valorem taxes to be
collected on property and from
persons in San Patricio County
from September 1, 1940, to Sep-
tember 1, 1946, for the purpose of
paying interest and principal of
such bonds; providing that the
provisions of this Act and dona-
tions herein contained are in addi-
tion and supplementary to the pro-

visions and donations of Chapter
22, General Laws enacted by the
Thirty-sixth Legislature at its
Third Called Session, in 1920;
providing the method of handling
and using such moneys; providing
a penalty for the misapplication of
moneys thus donated, and declar-
ing an emergency.

Be it enacted by the Legislature of
the State of Texas:

Section 1. That all of the City
of Aransas Pass Seawall Bonds hereto-
fore issued under the provisions of
Chapter 22, General Laws enacted by
the Thirty-sixth Legislature at its
Third Called Session, in 1920, be and
they are hereby in all respects recog-
nized, ratified and validated. Said
bonds so validated are the bonds
heretofore issued by the City of
Aransas Pass, under the provisions
of the hereinbefore mentioned Act,
for the purpose of constructing and
maintaining seawalls, breakwaters
and shore protections out into Red
Fish Bay and to fill in the space be-
tween the shore and such seawalls,
breakwaters and shore protections in
order that said City be removed from
calamitous overflows, and are brief-
ly described as follows:

\$121,000.00,	being the balance out- standing of an original issue of \$213,000.00 6 % Seawall Bonds, dated on or about April 1, 1921
60,000.00	6 % Seawall Bonds, Series 2, dated on or about October 1, 1929
35,000.00,	being the balance out- standing of an original issue of \$50,000.00 Sea- wall Bonds, Series 3, dated on or about No- vember 1, 1930
10,000.00	6 % Seawall Bonds, Series 4, dated on or about May 1, 1921.

Sec. 2. That the governing body
of the City of Aransas Pass shall
have authority to refund any or all
of the hereinbefore mentioned Sea-
wall Bonds, and matured interest
coupons thereof, at the same or a
lower rate of interest, and to make
the refunding bonds mature in such
manner and at such time, or times,
as to such governing body may seem
appropriate; and the governing body
of said City of Aransas Pass is here-
by authorized to enact such ordi-

nances and pass such resolutions and orders as may be necessary or appropriate to carry out, perform and complete the refunding of such bonds and matured interest coupons thereof; and the officials of said City of Aransas Pass are hereby authorized to do and perform any and all of the duties in connection therewith and incident thereto. Except as otherwise provided in this Act and in Chapter 22, General Laws enacted by the Thirty-sixth Legislature at its Third Called Session, in 1920, the issuance of such refunding bonds shall be governed as provided by the General Laws for the issuance of Refunding Bonds for Cities and Towns in Texas.

Sec. 3. That for a period of six years, commencing on September 1, 1940, and ending on August 31, 1946, there be and hereby are donated and granted by the State of Texas to the City of Aransas Pass eight-ninths of the net amounts of the State ad valorem taxes collected upon the property and from persons in the county of San Patricio, including the rolling stock belonging to railroad companies, which shall be ascertained and apportioned as now provided by law.

Sec. 4. That at the end of each month, the collector of taxes for San Patricio County shall, on forms to be furnished by the Comptroller of Public Accounts, make an itemized report, under oath to said Comptroller, showing each and every item of State and ad valorem taxes collected by him as provided for in this Act, upon property and from persons within the county of San Patricio, and accompany same with a summarized statement showing full disposition of all such State taxes collected; said collector shall present such report together with the tax receipt stubs, authorized by law to be kept, to the county clerk of San Patricio County, who shall within two days compare said report with stubs and if the same agree in every particular as regards names, dates and account, the clerk shall certify to its correctness, for which examination and certificate he shall be paid by the commissioners' court, twenty-five cents for each certificate and twenty-five cents for each two hundred tax payers of said report. The said collector shall then imme-

diately forward his report so certified to the Comptroller and shall pay over to the city treasurer of the City of Aransas Pass eight-ninths of all moneys collected by him during said month under provisions of this Act, except such amounts as are allowed by law for assessing and collecting the same, and shall forward a duplicate copy of the receipt given to him by treasurer of the City of Aransas Pass for such moneys to the Comptroller. The said collector shall remit to the State Treasury one-ninth of all such taxes collected by him from month to month.

Sec. 5. The treasurer of the corporation of the City of Aransas Pass shall, at the end of each month make an itemized report under oath to the Comptroller of Public Accounts, showing the amount of money received by him from the collector of taxes from San Patricio County and what disbursements, if any, have been made during said month of such moneys.

Sec. 6. That the municipal authorities of the City of Aransas Pass shall on the first day of January each year, cause to be made an itemized statement, under oath and in triplicate, showing the amount of money received by the City of Aransas Pass under this Act, and how, to whom, and for what purpose the same has been expended. One copy of such statement after having been audited shall be forwarded to and filed by the county clerk of San Patricio County as hereinafter provided, and the other to the Comptroller of Public Accounts. The said statement shall be sworn to by the treasurer of said city and the correctness thereof shall be certified by an auditor appointed by the commissioners court of San Patricio County, who shall, while auditing said statement, have before him all vouchers upon which expenditures have been made from said fund. And no item of expenditure shall be allowed or passed by said auditor unless he have in his possession legal and proper vouchers therefor, showing compliance with this Act. And upon the completion of said audit the said report and all vouchers shall be attached together, numbered consecutively, and be by said auditor returned to and thereafter safely kept by the county clerk

of San Patricio County as a part of the records of his office.

Sec. 7. The moneys herein and hereby granted and donated to the City of Aransas Pass are declared to be trust funds for the purpose of aiding the City of Aransas Pass in paying the interest and sinking fund upon the hereinbefore described issues of bonds and/or such refunding bonds as may be issued in lieu thereof, the proceeds of which bonds have been used in constructing and maintaining seawalls, breakwaters and shore protections out into Red Fish Bay, and to fill in the space between the shore and such seawalls, breakwaters and shore protections in order that said city be removed from calamitous overflows. The use and diversion of such moneys for any other purpose whatsoever is hereby prohibited; provided that whenever the moneys in the hands of the city treasurer, received from the State under the provisions of this or any other law, shall exceed the sum of one year's interest and sinking fund on the bonds herein referred to that have been issued and are then outstanding, such excess shall be invested by said city in the purchase of said bonds or bonds of the United States, the State of Texas or the bonds of any county or subdivision thereof, city or town, of the State of Texas, bearing interest at a rate of not less than four per cent per annum; and, provided further, that the entire sinking fund, when received by the city treasurer of said city shall be invested by the municipal authorities of said city, as received, in the bonds herein referred to, or bonds of the United States, the State of Texas, or the bonds of any county or subdivision thereof, city or town of the State of Texas, bearing interest at the rate of not less than four per cent per annum; provided further that when the sinking fund created upon the provisions of this Act shall become sufficient to retire all bonds issued hereunder, this Act shall cease to be operative and the donation herein made shall cease. A violation of the provisions of this Section shall constitute a misapplication of public money and the person or persons so offending shall be punished as provided for in Article 86 of the Penal Code of Texas.

Sec. 8. That the provisions of

this Act and the donations herein made, are in addition and supplementary to the provisions and the donations contained in Chapter 22, General Laws enacted by the Thirty-sixth Legislature at its Third Called Session, in 1920.

Sec. 9. That the fact that the donations contained in Chapter 22, General Laws enacted by the Thirty-sixth Legislature at its Third Called Session, in 1920, under the reduced valuations of taxable property in San Patricio County, will not provide sufficient money to pay interest and principal on the hereinbefore described seawall bonds, constitutes an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended and said rule is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 29, A bill to be entitled "An Act amending Article 2688, Title 49, Chapter 11, of the Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, H. B. No. 904, Chapter 357, General Laws of the Regular Session of the Forty-second Legislature, etc., establishing the office of County Superintendent of Public Instruction and providing that the commissioners' court of every county in which has 3000 scholastic population, or more, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 13, A bill to be entitled "An Act providing for the issuance of State Relief Bonds, to be designated as "Texas Relief Bonds, Second Series" in the sum of Four Million Dollars (\$4,000,000.00) under Sec-

tion 51-a, Article III of the Constitution of the State of Texas; providing the terms and the denominations and interest of such bonds and the manner of signing and registering same, and the sources from which said bonds and interest thereon shall be paid, and exempting same from taxation, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute with amendment do pass in lieu thereof, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 41, A bill to be entitled "An Act to validate all ad valorem tax levies in all Counties in Texas having not less than 1950 and not more than 1970 population according to the last preceding Federal Census, heretofore made by the Independent School Districts in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective Independent School Districts to make such levies by order; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODUL, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 34, A bill to be entitled "An Act granting permission to Mrs. Ola Anderson and Oren Anderson, surviving wife and son of Henry A. Anderson, deceased, to bring suit against the State of Texas in the District Court of Travis County, Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the rec-

ommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 110, A bill to be entitled "An Act empowering the Board of Education or Board of Trustees of certain Independent School Districts wherein there may be situated a city having not less than two hundred seventy-five thousand (275,000) population, according to the last preceding Federal census, by resolution passed by majority vote of the members of such Board of Education or Board of Trustees, beginning with 1933 delinquent taxes due to such Independent School Districts, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODUL, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 33, A bill to be entitled "An Act authorizing the Governor to refund the principal of outstanding State of Texas bonds held by the State Permanent School Fund and other educational and eleemosynary institutions' permanent funds; authorizing and directing the Governor to exchange said refunding bonds for the principal of outstanding State of Texas bonds; making an appropriation to pay the expenses of such refunding, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODUL, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 48, A bill to be entitled "An Act providing for the validation of the organization of all defined districts organized as Water Improvement Districts, the name of which has been changed to Water Power Control District, and providing for the validation of elections held in Water Power Control Districts for authorization of issuance of bonds and/or incurring debts and/or obligations, and providing for and authorizing any Water Power Control District to make and enter into contracts with the United States of America and/or any agencies acting under laws passed by the Congress of the United States for the purpose of acquiring property and the construction of works and improvements for such Water Power Control Districts, when the authorization for the issuance of bonds shall have been authorized by an election in such district, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODUL, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Egar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 36, A bill to be entitled "An Act amending Article 1043, Revised Civil Statutes of Texas, 1925, so as to permit municipal corporations whose fiscal year runs otherwise than the calendar year to require assessment inventory to cover property possessed or controlled on the first day of the fiscal year, such inventory to be handed to the city assessor and collector within the first three months of the fiscal year; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODUL, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Egar E. Witt, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred S. C. R. No. 23.

Have had the same under consideration, beg leave to report that the following attached resolution, in lieu of S. C. R. No. 23, do pass.

WOODWARD, Chairman.

By Woodward. S. C. R. No. 23.
A Concurrent Resolution.

Whereas, March 4, 1934, is the first anniversary of the administration of the President of the United States, Franklin Delano Roosevelt; and

Whereas, Few Presidents have enjoyed the confidence, the co-operation and the support of the American people as has this matchless leader and humanitarian President; and

Whereas, The American people have during the past year manifested their loyalty to him and are now enjoying the fruits of his labor as a result of his leadership and his honest and faithful administration of the affairs of the people; and

Whereas, The American people can look forward with renewed confidence and point with pride to the fulfillment of platform pledges of the Democratic Party and to much constructive legislation by a Democratic Congress; and,

Whereas, Among other fulfillments of his pledge to the American people, the President is to be credited with his good faith and honest efforts; and the restoration of agriculture through the establishment of agricultural credit agencies; the refinancing of crop mortgages, including crop production loans and the increase of agricultural purchasing power; to the redrafting of the National Banking Acts and the extension of relief to those in financial distress, which we hope will insure the solvency of National Banks; legislation to more effectively protect the assets of National Banks and to prevent undue diversion of funds in speculative operations; and we commend his efforts toward a reduction of governmental expense by the consolidation of departments estimated to bring a saving of more than one billion dollars; laws providing for full and fair disclosures of the character of securities sold in interstate and foreign commerce and through the mails and to prevent fraud in the sale thereof; advocating Federal supervision of traffic in investment securities; a shorter work-

ing week and shorter working hours for the laboring class; we commend his good faith and his honest efforts through the establishment of the National Recovery Act, to stabilize industry and to aid and assist business conditions generally throughout the United States; the Public Works Act; the Civil Works Act; the establishment of the Home Owners Loan Corporation; railroad reorganization and legislation dealing with the finances of the Government, including the Gold Bill to protect the currency of the United States; providing for the establishment of a corporation to aid in refinancing farm loans, and the extension of another year, the Reconstruction Finance Corporation, with power to re-loan moneys already collected; and

Whereas, The President has brought about a friendly relationship between the Government of the United States and other Nations of the World and has established a program which we trust will lead to perpetual peace among the Nations of the Earth through practical measures of disarmament; and

Whereas, The record as made by the President in the fulfillment of platform pledges and his efforts to restore business to normal conditions is an incomparable record which has never been equalled in the history of the United States; and

Whereas, In addition to the record of achievements hereinabove set forth and in addition to the fulfillment of platform demands, many other legislative acts dealing with economic problems and the general welfare of the people have been not only advocated by him but enacted into laws; and

Whereas, As the President of the United States he has kept the faith; and

Whereas, By reason of his matchless leadership, his humanitarian attributes and his ever constant aim and desire to restore confidence among the people toward the Government of the United States and to find a way to financial recovery, the States of the Union are gradually on the way to financial recovery; and

Whereas, It behooves the people of the State of Texas, the greatest Democratic State in the Union, to celebrate on Sunday, March 4, 1934, the first anniversary of the administration of our beloved President, in every city, town, hamlet, precinct

and other subdivisions of the State.

NOW, THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring. In order to properly celebrate the first anniversary of the administration of President Roosevelt, the Governor of Texas is respectfully requested to issue a proclamation designating and setting apart Sunday, March 4, 1934, as a day of thanksgiving, rejoicing and prayer, in recognition of the achievements of the President, done and performed during the first year of his administration; and

Be it further Resolved, In order to assist the Governor of Texas in giving publicity to and in carrying out the intent and purpose of this resolution, that the Lieutenant Governor be requested to appoint a committee of five outstanding citizens of Texas, one of which persons so named to act as Chairman, and the Speaker of the House of Representatives be requested to appoint a committee of five outstanding citizens of Texas, one of which persons so named to act as Chairman, and said persons so named, together with such committee or committees as may be appointed by the Governor, formulate such plans and programs and give such publicity in reference thereto as in their judgment may be necessary to celebrate in a fitting manner the first anniversary of the President's administration; and

Be it further Resolved, That the press of Texas be requested to give publicity to such plans and programs as may be adopted in such manner as to encourage the Governors and/or Legislatures of other States, and the Congress of the United States, to take similar action so that Sunday, March 4, 1934, may be named a National day of thanksgiving, rejoicing and prayer, in honor of the President and in recognition of his achievements during the first year of his administration.

Committee Room,

Austin, Texas, Feb. 19, 1934.

Hon. Eggar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 73, A bill to be entitled

"An Act amending Chapter 49, Acts of the Forty-third Legislature, First Called Session, page 145 (Article 3886-B), providing for the maximum compensation of assistant county attorneys and other employees of the county attorney in all counties in the State having a population of 100,001 inhabitants, and not more than 150,000 inhabitants, and containing two cities of 50,000 population or more each, according to the last preceding Federal census; providing for the compensation of assistant county attorneys and other employees of the county attorney in such counties; repealing all laws and parts of laws in conflict herewith; providing that this Act shall become effective from and after its passage; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 18, "Granting to W. D. Malone and B. Dryer of El Paso County, Texas, permission to bring suit against the State of Texas and against the Highway Commission of Texas, in a court of competent jurisdiction in Travis County, Texas, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 27, "Providing that the year ending March 2, 1936, be designated as Texas Tree Centennial celebration and urging schools, churches, fraternal orders, Parent-Teachers' Associations, 4-H Clubs, Boy Scouts, Girl Scouts and patriotic organizations to plant fruit and nut trees in appropriate places, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 23, "Endorsing the policy of offering a reward for notorious, well-known, and outstanding criminals, and endorsing and approving the manner in which peace officers of Texas are attempting to suppress crime, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 21, "Granting to J. O. Currie and J. C. Locklar, of Midland County, Texas, permission to bring suit against the Highway Department of the State of Texas and the State of Texas in a court of competent jurisdiction in Travis County, Texas, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,
February 20, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Cousins.
Blackert.	DeBerry.
Collie.	Duggan.